

REMARKS

The Examiner is thanked for the time and care given this application. Remaining in the application are claims 1 and 3. Claim 2 has been withdrawn without prejudice and its contents included in claim 1, for reasons made clearer hereinbelow. It is respectfully submitted that, upon reading the changes and these Remarks, the Examiner will recognize that the case is now in condition for allowance. In any case, reconsideration is hereby requested.

In the Office Action dated June 4, 2004, the Examiner initially objected to the Drawings as failing to identify element 24. Applicant has herein modified the specification to refer to this portion of FIG. 1, thereby satisfying the drawing requirement without the need to modify the drawings. No new matter was added. It is thus respectfully requested that the Examiner acknowledge the drawings requirements are now fully satisfied.

In the Office Action, the Examiner next objected to the Specification as, *inter alia*, being longer than the maximum permitted. Applicant has amended the Specification herein to fully meet the statutory standard. The Examiner is respectfully requested to acknowledge the same.

In the Office Action, the Examiner next rejects Claim 1 (and claims 2 through 3 which depend therefrom, although claim 2 has herein been withdrawn without prejudice) under 35 U.S.C. § 112, second paragraph as being allegedly indefinite in using the phrase "the frame" in lacking antecedent basis. Applicant has amended the preamble of the claim to include this language, without prejudice, thereby avoiding the necessity to argue inherency.

In the Office Action, the Examiner next rejects Claim 1 under 35 U.S.C. § 103(a) as allegedly obvious under U.S. Patent Number 1, 299,993 to Nahas in view of U.S. Patent No. 3,595,511 to Summerville. Claim 2 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable under Nahas in view of Summerville, and further in view of U.S. Patent No.

2,655,336 to McGowan. The Examiner claims that “Nahas in view of Summerville teaches the limitation of the base claim, excluding a multiplicity of screw holes and screws.”

While applicant strongly disagrees that Nahas in view of Summerville teaches the invention as originally claimed, the amendments fully overcome the alleged combination, because the patents cannot be combined. Specifically, Nahas states:

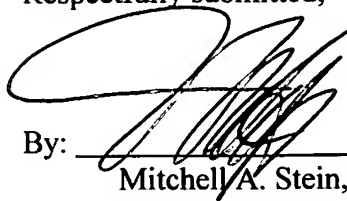
This invention relates to improvements in combined shade holders and curtain pole supports for use in connection with window or door openings . . . **without the use of screws, bolts or adhesives . . .**

(Nahas, Column 1, lines 9-19, Emphasis added)

Nahas utilizes an extendable pole to provide tension, and thus does not teach the subject invention. Moreover, the language quoted above clearly *teaches away* from any claimed combination of references, making the combination impossible and impractical. Consequently, applicants inclusion of screws and adhesives explicitly overcomes the alleged combination, and thereby renders claim 1, we submit, patentably distinct over the references taken alone, and especially taken in the combination proffered by the Examiner.

Accordingly, it is respectfully submitted that the application is now in condition for allowance, and a Notice of Allowance is respectfully solicited. Should the Examiner feel otherwise, it is respectfully requested that the undersigned counsel be contacted prior to the issuance of any further Office Action (save the Notice of Allowance), and compliance therewith is greatly appreciated.

Respectfully submitted,



By: _____

Mitchell A. Stein, Esq.
Reg. No. 30,978
STEIN LAW, P.C.
489 Fifth Avenue - Suite 4
Northport, New York 11768
(631) 757-8400 (voice)
(631) 757-8404 (fax)

Dated: December 4, 2004